

A 3624/FLO #

PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/805,063
		Filing Date	March 19, 2004
		First Named Inventor	HENSON
		Group Art Unit	Not Yet Assigned 3624
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	0516625.0101

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Combined Declaration and Power of Attorney <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration of Mailing by Express Mail <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard US Patent Application Publications 2004/0024671 & 2003/0204459 US Patent 6,154,730		
<table border="1"> <tr> <td>Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Stephen C. Glazier (Registration No. 31,361) Kirkpatrick & Lockhart LLP		
Signature			
Date	7 June 04		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 6-8-04			
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/805,063
Filing Date	March 19, 2004
First Named Inventor	HENSON
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned 3624
Attorney Docket No.	0516625.0101

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number

50-1721

Deposit
Account
Name

Kirkpatrick & Lockhart LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		-20 **	=	0	X	18	=	0
Independent Claims		-3 **	=	0	X	86	=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Stephen C. Glazier	Registration No. (Attorney/Agent)	31,361	Telephone	202 / 778-9045
Signature		Date	7 June 04		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HENSON et al.

Group Art Unit: ~~Not yet assigned~~ 3624

Application No.: 10/805,063

Examiner: Not yet assigned

Filed: March 19, 2004

Atty Dkt. No. 0516625.0101

Title: **REVENUE SHARE INTEREST METHOD OF FINANCING AN ASSET
MANAGEMENT FIRM**

* * * * *

PETITION TO MAKE SPECIAL UNDER 37 CFR §1.102(d)

The Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313

Sir:

Applicant hereby petitions to make the above-identified U.S. patent application special pursuant to MPEP §708.02(VIII). Applicants have submitted herein a detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references pursuant to MPEP §708.02(VIII).

If it is determined that the pending claims are not directed to a single invention, Applicants will make an election without traverse as required under MPEP §708.02(VIII)(B).

Applicants submit that a pre-examination search has been made by a professional searcher in Class 705, subclasses 10, 35 and 36.

Enclosed herewith are copies of the following references which are deemed to be the most closely related to the subject matter encompassed by the present claims.

<u>U.S. Patent/Publication No.</u>	<u>Inventor(s)</u>
2004/0024671	Freund
2003/0204459	Schulman
6,154,730	Adams et al.

06/10/2004 HMEKONEN 00000066 10805063

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DC-640323 v1 0516625-0101

DETAILED DISCUSSION OF THE REFERENCES

U.S. Patent Application Publication 2004/0024671 (Freund)

Freund discloses synthetic funds for purchase by investors. A structured note is structured to provide customized equity returns/exposure. Terms of each structured note may be specified by the purchaser and the structured notes may be unsecured liabilities of the obligor, e.g., there are no underlying assets upon which the structure note is based. Thus, there will be no limits on the use of structured note proceeds and management of assets and liabilities will be left entirely to the obligor's discretion. Structured note payment obligations may be related to the performance of an objective valuation, but structured note holders will depend on the good credit of the obligor for payment. (see abstract) However, Freund fails to disclose or suggest at least a method of financing an asset management firm by obtaining a revenue share interest in the asset management firm.

U.S. Patent Application Publication 2003/0204459 (Schulman)

Schulman discloses financial products that provide a return that is a function of future sales/revenues, preferably gross sales/revenue, over a specified period of time. One embodiment of a method for creating such a financial product includes providing standard forms to an issuer and underwriter and standard terms to an issuer and investors. The terms to the issuer include providing capital to the issuer in exchange for a return that is a function of future sales over a specified period of time. The process further includes creating instruments representing investment in the financial product. The process creates the instruments in sufficient numbers and in appropriate denominations to facilitate trading in the financial product. (see abstract) However, Schulman fails to disclose or suggest at least a method of financing an asset management firm by obtaining a revenue share interest in the asset management firm, where upon termination of the revenue share interest, converting the revenue share interest to an ownership interest in the asset management firm, callable by the asset management firm.

U.S. Patent 6,154,730 (Adams et al.)

Adams et al. discloses a system for employing the projected receipts of a public facility to finance the construction of the facility itself, or the acquisition of a team to play in the facility. A preferred system includes: a method for projecting future cash flows (e.g., gate receipts) associated with the operation of the facility; pooling rights to receive those cash flows; transferring the pooled rights to a special purpose vehicle; and issuing securities on behalf of the special purpose vehicle in order to generate revenues for the construction and/or operating costs of the facility, or for the purchase of the team itself. The system also includes a computerized method for the ongoing implementation of such a financing system, including the steps of: inputting estimated cash flows and actual cash receipts; comparing the estimated and actual values in order to determine adjusted amounts to allocate between investors in the special purpose vehicle and ongoing operations. The invention further provides a facility (such as a stadium) and/or a team funded or acquired by such a system. (see abstract) However, Adams et al. fails to disclose or suggest at least a method of financing an asset management firm by obtaining a revenue share interest in the asset management firm, and excluding an ownership interest during the term of the revenue share interest, and excluding debt, the method comprising providing financing to the asset management firm and receiving a predefined share of revenue of the asset management firm (a revenue share interest) for a predetermined period of time, wherein no ownership interest in the asset management firm is received during the term of the revenue share interest, and no debt is used.

THE PRESENT APPLICATION

Embodiments of the present application relate to, among other things, a method of financing an entity, such as an asset management firm, wherein a financing provider invests assets in the entity. The financing provider receives a revenue share interest in the financed entity. No ownership interest in the entity is given to the financing provider during the term of the revenue share interest, and no debt is used. To evaluate and price the investment, a revenue forecasting model may be used.

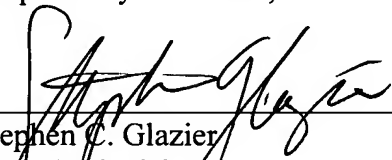
For example, claim 1 recites a method of financing an asset management firm by obtaining a revenue share interest in the asset management firm, and excluding an ownership

interest during the term of the revenue share interest, and excluding debt, the method comprising providing financing to the asset management firm and receiving a predefined share of revenue of the asset management firm (a revenue share interest) for a predetermined period of time, wherein no ownership interest in the asset management firm is received during the term of the revenue share interest, and no debt is used. Further, claim 4 recites that upon termination of the revenue share interest, the method includes converting the revenue share interest to an ownership interest in the asset management firm, callable by the asset management firm.

As discussed above, Freund, Schulman and Adams et al. fail to disclose or suggest one or more elements as claimed in claims 1 and 4.

Therefore, the present application claims subject matter which is not disclosed, taught or suggested by the foregoing references and is patentable in light thereof. Accordingly, granting of the Petition to Make Special and expedited examination of the claims in the present application are earnestly solicited.

Respectfully submitted,



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7 June 04

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